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Agriculture

Forest Service
Intermountain Region

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DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

Mountain Warfare Training Center Communication Infrastructure Upgrades Project

*BRIDGEPORT RANGER DISTRICT
HUMBOLDT-TOIYABE NATIONAL FOREST
Mono County, California*

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DECISION NOTICE

Background

The Marine Corps Mountain Warfare Training Center (MCMWTC) operates under special use authorizations on the Bridgeport Ranger District, Humboldt-Toiyabe National Forest. In August 2006, MCMWTC submitted a proposal to upgrade their communications infrastructure by replacing existing, or constructing new communications towers and associated equipment, at six locations on National Forest System (NFS) land: Mean Peak, Sweetwater, Masonic, Silver Creek, Lost Cannon Creek, and Little Wolf Creek.

The Final Environmental Assessment (EA) for the MCMWTC Communications Infrastructure Upgrades was completed in July 2010 and the Decision Notice (DN) and Finding of No Significant Impact (FONSI) were signed in September 2010. The 2010 decision was never implemented. Between 2014 and 2016 the MCMWTC prepared a Supplemental EA (SEA) to analyze the potential environmental consequences of providing a more robust safety and communications network for personnel training, mission critical users, and first responders in compliance with the National Incident Management System (NIMS) mandate contained in Homeland Security Presidential Directive-5 through the addition of three new communications sites. The five sites analyzed in the SEA represent the revised communication plans for the MCMWTC.

This DN and FONSI documents my decision as the Responsible Official to authorize MCMWTC to upgrade their communications infrastructure at the three proposed locations on NFS lands after issuance of special use authorizations. In addition, this decision amends the Toiyabe National Forest Land and Resource Management Plan (LRMP) (LRMP, 1986) to designate one new communication site at the proposed 9494 site. My decision is based upon the analysis documented in the *Supplemental Environmental Assessment for Marine Corps Mountain Warfare Training Center Communications Infrastructure Upgrades*, April, 2016 and associated project record.

The Forest Service has been given direction from the President and Congress to facilitate implementation of the Nation's strategy for wireless communications.

- Title V of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (43 U.S.C. 1761-1771) authorizes the use of NFS lands for telecommunications uses.
- On August 10, 1995, President Clinton released a memorandum entitled "Facilitating Access to Federal Property for the Siting of Mobile Services Antennas." The memorandum requires, upon request, and to the extent permitted by law and where practicable, that executive departments and agencies make available, Federal Government buildings and lands for the siting of mobile service antennas.
- The Telecommunications Act of 1996 (47 U.S.C. 332), section 704(c) requires Federal agencies to facilitate the development and placement of telecommunications equipment on buildings and land they manage, when placement does not conflict with the agency's mission or current or planned use of the property.

In response to the Telecommunications Act and presidential memorandum, the General Services Administration released a bulletin stating that requests for the use of property, right-of-way, and easements by duly authorized telecommunications service providers should be granted unless there are unavoidable conflicts with the department's or agency's mission or current or planned use of the property or access to that property ("Placement of Commercial Antennas on Federal Property" [Federal Register, June 16, 1997]).

The Department of Defense (DoD) and United States Marine Corps (USMC) Enterprise Land Mobile Radio (ELMR) Initiative's goal is to enhance Marine Corps Anti-Terrorism/Force Protection capabilities and provide land mobile radio communications. This will also facilitate mutual aid operations with local communities. The current MCMWTC radio communications system is not compliant with the ELMR Initiative.

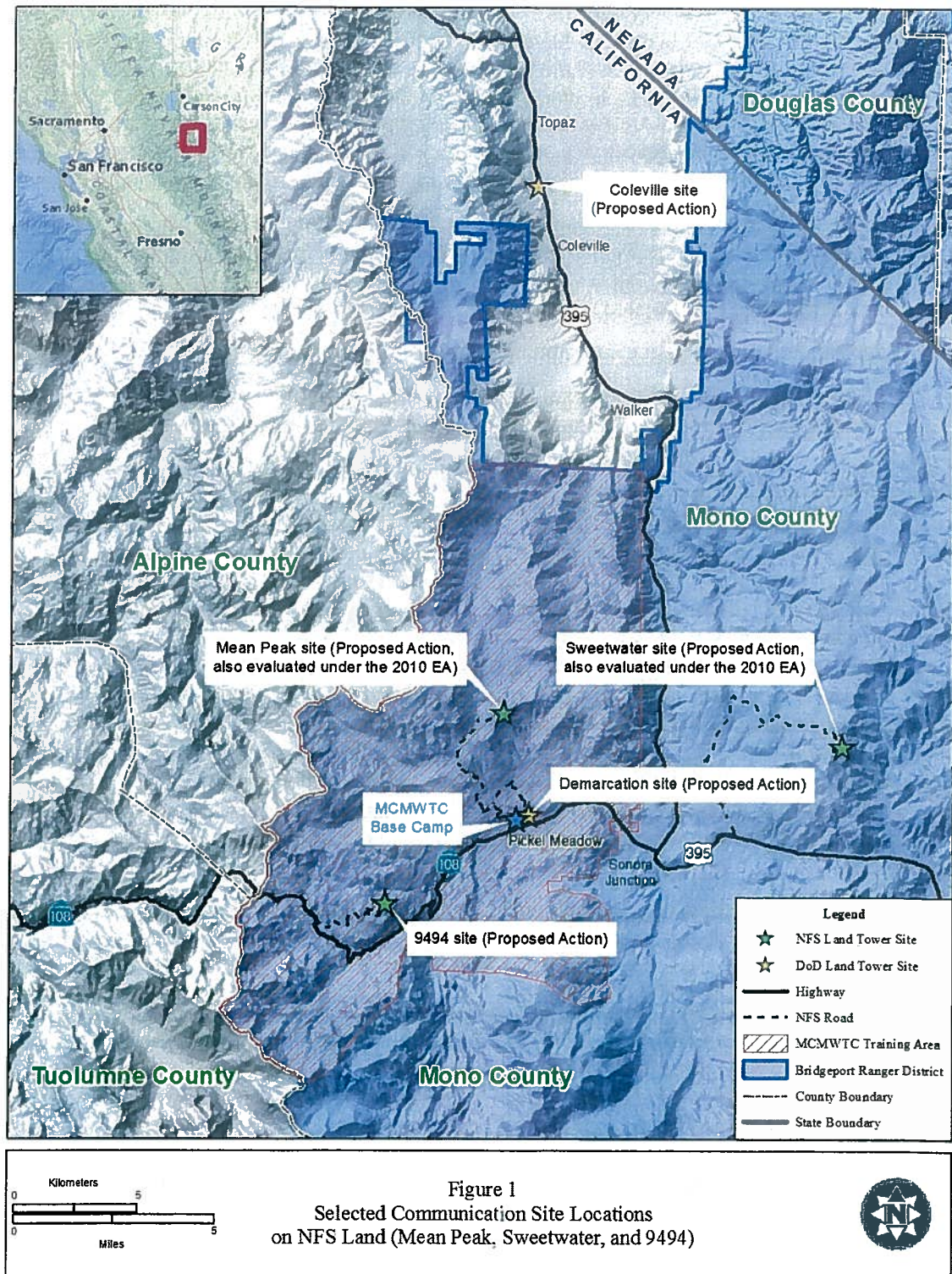
The NIMS mandate contained in Homeland Security Presidential Directive-5 serves to enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system, designed to cover the prevention, preparation, response, and recovery from terrorist attacks, major disasters, and other emergencies. The current MCMWTC radio communications system is not compliant with NIMS. The implementation of the system would allow all levels of government throughout the nation to work efficiently and effectively together.

Communications sites are addressed in Forest Service policy (Forest Service Handbook [FSH] 2709. 11, Chapter 90 [September 30, 2009]). Section 90.3 requires that communication sites be designated as such in a National Environmental Policy Act (NEPA) decision document, including, among others, a LRMP amendment (Attachment 2).

PURPOSE AND NEED

The current radio communications system used by MCMWTC is not compliant with the DoD and USMC's ELMR Initiative. The ELMR Initiative was intended to standardize radio communications throughout the USMC. In addition, the geographic coverage provided by the current system does not adequately cover the entire MCMWTC training area. The current coverage does not extend east of the Sweetwater area, to the Hawthorne Army Depot in Nevada. With the existing ineffective coverage of the MCMWTC training areas, communication capability is compromised and emergency response is slow. Many of the training operations at MCMWTC take place in remote locations with potentially treacherous terrain and inclement weather, leaving training units vulnerable to emergencies in locations with poor radio connectivity. The current system of two repeater towers has no digital regional, high-speed fiber optic capability (known as a "digital backbone") or connectivity with first responder agencies or Forest Service radio networks. For all of these reasons, additional communications equipment systems are needed to improve the safety and quality of training operations at MCMWTC.

The purpose of the project is to provide an upgraded, expanded, and standardized safety and communications network for personnel training, mission critical users, and first responders in compliance with the NIMS mandate contained in Homeland Security Presidential Directive-5 and with the ELMR Initiative. The communication system would provide expanded coverage for the training areas in the Humboldt-Toiyabe National Forest utilized by MCMWTC, adjacent public lands, and the Hawthorne Army Depot. Improved communications would provide for greater safety for MCMWTC personnel. The Proposed Action would bring the current communications system into compliance with DoD standards, requirements, and directives and would improve the quality of the training experience at MCMWTC by ensuring greater safety through more effective communications.



DECISION

After reviewing the SEA, public comments, and project record documents, I have decided to implement the Proposed Action, as described in the SEA (pp. 2-1 - 2-25) Figure 1 and summarized below. My decision will designate a new site as a National Forest Service Communication Site (FSH 2709.11, 91[2]). The Proposed Action may be implemented following the appropriate pre-decisional administrative review, administrative approval of communications site management plans, and engineering plans by the Forest Service, and the issuance of special use authorizations to MCMWTC in accordance with the standards and guidelines in the communications site management plans.

The MCMWTC will also make a decision based on the analysis in the SEA. Their decision will be whether or not to designate the Demarcation site and the Coleville site as communication sites and develop them as described in Chapter 2 of the SEA. This decision only addresses those actions to be authorized at the three sites located on NFS lands.

The Proposed Action is to upgrade communications infrastructure for MCMWTC as follows by:

- Constructing a new communications tower and associated facilities at the existing Mean Peak Forest Service designated communications site, on NFS land in the Bridgeport Ranger District.

The Mean Peak site is an existing Forest Service communications site designated in the Toiyabe National Forest LRMP (pages IV-101) as joint Forest Service and MCMWTC use on a relatively barren, rocky hilltop, permitted to MCMWTC under a special use permit (Figure 1). The existing Forest Service/MCMWTC communications facility would be retained and continue to be used for military range communication. The new facilities would be configured for shared use between Forest Service and the MCMWTC. Mean Peak is proposed as a core repeater site to connect the Demarcation site with points north of the MCMWTC Base Camp. The tower site complex will be situated in a project area measuring 110 feet by 55 feet (0.138 acre) and surrounded by a perimeter security fence and include a 70-foot tall 3-legged steel lattice tower with antennas and video security cameras, backup generator with 500 gallon propane tank, and equipment shelter, and equipment would be mounted on concrete pads. Site access would be provided by the existing, unpaved designated NFS road 32059B continuing to the NFS road 22418, which is drivable to the site. The Proposed Action would not include any new road construction or reconstruction (such as concrete or asphalt surfacing, or culverts). Site-specific road maintenance during construction, such as grading, may be authorized with prior Forest Service notification.

- Constructing a new communications tower and associated facilities at the existing Sweetwater Forest Service designated communications site, on Forest System land in the Bridgeport Ranger District.

The Sweetwater site (Figure 1) is an existing Forest Service communications site designated in the Toiyabe National Forest LRMP (pp. IV-117) for joint Forest Service and MCMWTC use. The site is situated on a broadly rounded hilltop with rocky outcrops. The existing Forest Service/MCMWTC communications facility would be upgraded to be used for military range communication. The Sweetwater site would extend the range of the communications system to the east of the MCMWTC Base Camp area, allowing connectivity with the Coleville site. The equipment at Sweetwater would have the interoperability radio group that is used to connect MCMWTC personnel with radio systems in the surrounding area. The tower site complex will be situated in a project area measuring 110 feet by 55 feet (0.138 acre) and surrounded by a perimeter security fence and include a 70-foot tall 3-legged steel lattice tower with antennas and video security cameras, backup generator with 500 gallon propane tank, and equipment shelter, and equipment would be mounted on concrete pads. Site access

would be provided by the existing, unpaved designated NFS road 32167. The Proposed Action would not include any new road construction or reconstruction. Site-specific road maintenance during construction, such as grading, may be authorized with prior Forest Service notification.

- Constructing a new communications tower and associated facilities on NFS land in the Bridgeport Ranger District (the proposed 9494 site).

The undeveloped 9494 site is on a ridgeline in the western region of the MCMWTC limited-use area on NFS land (Figure 1). The area slopes gently southward, and is approximately 45% vegetated with alpine grasses, small plants, and pine trees. Brownie Creek Road (NFS road 32216) is near the western boundary of the proposed site. Small rocks and boulders and/or exposed bedrock are present at the site. A dirt trail runs through the proposed site footprint. The site would provide coverage for the southwestern extent of the MCMWTC limited-use area. The tower site complex will be situated in a project area measuring 110 feet by 55 feet (0.138 acre) and surrounded by a perimeter security fence and include a 70-foot tall 3-legged steel lattice tower with antennas and video security cameras, backup generator with 500 gallon propane tank, and equipment shelter, and equipment would be mounted on concrete pads.

My decision includes implementation of all proposed design features and best management practices (BMPs) minimizing impacts of the development. These include construction and maintenance design features and BMPs addressing sage grouse; migratory birds; soil and erosion; noxious weeds; cultural resources; riparian area avoidance; size and structure of microwave dishes; colors of towers, antennae, microwave dishes, and antenna support structures; and road maintenance (SEA, pp. 2-24 - 2-25). The selected actions, including the BMPs, are attached to this Decision Notice (Attachment 1).

Designation of 9494 Site

Section 90.3.1 requires that "Communications sites must be designated in a National Environmental Policy Act (NEPA) decision document. The designation may be reflected in a separate NEPA decision document or in a land and resource management plan (LRMP) or amendment or revision to a LRMP".

The 9494 site is not currently designated as a Communications Site in the Toiyabe National Forest LRMP, and therefore authorization of this site will require amending the Toiyabe National Forest LRMP to allow for the communications tower and equipment on the site. The site will be designated as a FS/MCMWTC (government only) facility.

The Forest Service will amend MCMWTC existing special use authorization (BRI250). MCMWTC's use will be authorized as a private mobile radio service (PMRS - 806), which is defined as a FCC-licensed private mobile radio systems primarily used by a single entity for the purpose of mobile internal communications and the communications equipment directly related to the operation, maintenance, or monitoring of the use. The communications service cannot be sold to others and is limited to the user (FSH 2709.11.90 Exhibit 01).

Site Description

The 9494 site is a non-broadcast site to be used by government entities only. It is located at an elevation of 9,422 feet at 38° 19' 36" N and 119° 34' 39" W at the Northeast edge of a northeast to southwest trending ridgeline in the NW ¼ of the SE ¼ of the NE ¼ of Section 32 T 6 N, R22 E. The largest community served by the site will be the MCMWTC and the Community of Coleville, California.

My decision amends the communications site direction in the 1986 Toiyabe National Forest LRMP to designate the 9494 site (approximately 0.14 acre) as a new communication site. Forest Service

Handbook (FSH) 2709.11 Chapter 90 (WO Amendment 2709. 11-2009-9, effective September 30, 2009) identifies Forest Service policy regarding Communications Site Management.

RATIONALE FOR DECISION

The Proposed Action best meets the Purpose and Need of this project by upgrading the MCMWTC communications infrastructure to provide a more robust safety and communications network for personnel training, mission critical users, and first responders in compliance with the DoD and USMC ELMR Initiative, and the NIMS mandate contained in Homeland Security Presidential Directive-5. The selected communications system will be used primarily by MCMWTC personnel and training units. The system will allow emergency communication between MCMWTC and other agencies and will not be open to personal radio users in the general public.

The primary environmental concerns associated with this proposal are summarized in Table 2-1 (Comparison of Alternatives) in the SEA (pp. 2-32- 2-38). The selected alternative includes site selection and design features to minimize potential impacts to these and other resources. These design features are described in detail in the SEA, and are attached to this Decision as Attachment 1.

Additionally, the SEA addressed environmental consequences to resources, including, among others, threatened, endangered, and sensitive wildlife and plant species; management indicator species (mule deer); invasive plants; cultural resources; and water/riparian habitats (SEA, pp. 4-1-4-15). In all cases, there were either no potential impacts of the Proposed Action or they are minimal. Cumulative effects are addressed in Chapter 5 of the SEA.

All practical means to avoid or minimize environmental harm have been adopted in the design of the selected alternative. My conclusion is based on a review of the project record that shows a thorough analysis using the best available science. The resource analyses in the SEA and project record identify effects analysis methodologies, reference scientific sources which informed the analysis, and disclose limitations of the analysis.

- My decision includes design features that are consistent with the Toiyabe National Forest Plan as amended. During the analysis plan components being proposed for the bi-state sage-grouse distinct population segment were analyzed and adopted. The analysis in the project record shows that the construction of the Sweetwater communication site, although located within the 4-mile lek buffer, will not disrupt lekking and nesting activities because it is not visible from the lek, it is located in a sparsely vegetated rocky location, and it will be equipped with perch deterrents to minimize predation on any grouse that may venture into the vicinity of the communication site. Additional design features to limit potential impact to the bi-state sage-grouse include a limited operating period on construction at the Sweetwater site. For this location construction would not be authorized between March 1 and May 15 to avoid any traffic-related impacts on the Burcham Flat lek.

I have determined that the relatively negligible impacts to resources are offset by the positive impacts to safety of MCMWTC training units and personnel.

ALTERNATIVES DEVELOPMENT

As established by the purpose and need, USMC must upgrade its communications infrastructure at MCMWTC to provide a safe training environment. The key parameters used for site selection were natural resources, existing infrastructure and road access, and engineering specifications. Candidate sites were selected to avoid, to the maximum extent possible, critical resource areas, cultural resource sites, and wilderness areas. In addition, candidate sites that are generally free of large trees and dense

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vegetation were selected, reducing the amount of clearing and environmental disturbance that may occur.

Sites with existing communications equipment and available road access were generally preferred over remote, undeveloped sites for both environmental and logistical concerns.

Three alternatives were analyzed in the SEA. A comparison of these alternatives can be found in the SEA (pp. 2-1 - 2-16).

Selected Alternative - Proposed Action

This alternative is described above in the "Decision" section and Attachment 1 of this document. Additional detail is located in the SEA and the project record. This alternative best meets the purpose and need of upgrading MCMWTC communications infrastructure. The five proposed communication sites were identified because they could provide 100% radio coverage of the MCMWTC training areas, to include the Hawthorne Army Depot. The Proposed Action would supply signal redundancy through a digital backbone and a high-capacity microwave transmission system for reliable communications capability for MCMWTC.

Alternative 1

Alternative 1 would be identical to the Proposed Action except that the Little Wolf Creek site (SEA Figure 2-16) would be developed rather than the 9494 site. The other four sites (Mean Peak, Sweetwater, Demarcation, and Coleville) would be developed as described for the Proposed Action.

The undeveloped Little Wolf Creek site is located on Forest System land on a rocky, south-facing hillside, partially vegetated with pine trees, in the western region of the MCMWTC limited-use area (SEA Figure 2-17). Site access would be provided by the existing, unpaved designated NFS road 32062 and cross country travel. This site is located in Mono County, California.

The Little Wolf Creek site proposed under this SEA is at a lower elevation than the site proposed under the 2010 EA 100 feet lower and approximately 0.25 mile to the southeast of the 2010 site.

Generally potential impacts from Alternative 1 would be similar to those of the Proposed Action. Alternative 1 would also meet the purpose and need for action as readily as the Proposed Action. While the effects are described as similar to the 9494 site the Little Wolf Creek site sits slightly higher in the head waters of Little Wolf Creek than 9494 and it would be potentially more visible to hikers on the Pacific Crest Trail.

No Action Alternative

Under the No-Action Alternative, the USMC would not improve/upgrade the communications infrastructure at MCMWTC. The Forest Service would not designate one new communication site or issue three special use permits for construction, use, and maintenance of the three communication facilities on Forest System lands. The No-Action Alternative is the same as existing conditions. The No-Action Alternative does not meet the purpose and need for the Proposed Action. While it would result in no effects to resources at the three locations it would not provide for upgraded communication infrastructure.

AVOIDANCE AND/OR MITIGATION OF ENVIRONMENTAL HARM

The design features, put in place as part of the Proposed Action, will mitigate the potential impacts as described in the SEA (Chapter 4) and captured in the project record. Potential impacts to lekking and nesting bi-state sage-grouse are minimized by the adoption of the limited operating period on

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construction activity. By not allowing construction activity during the March 1 to May 15 period, lek activity would not be disturbed by helicopter over flights or by vehicles transporting personnel or equipment to the sites along roads in the vicinity of leks. The requirement that all tall structures be fitted with perch deterrents will also reduce the threat of predation on sage-grouse or other small animals in the vicinity of the communication sites.

The location of communication sites and the use of neutral landscape colors and non-reflective materials will reduce impacts to the visual quality of the area. The 9494 site is situated such that it will not be visible from the Pacific Crest Trail or other high traffic areas. The Sweetwater site and the Mean Peak site may, at times, be visible from roads and trails in the vicinity of the facilities.

PUBLIC, TRIBAL, AND AGENCY INVOLVEMENT

Public scoping is an important aspect of the environmental analysis process. The process not only informs the public about the Proposed Action and alternatives, but it allows for the identification of the issues and concerns that are of interest to the affected public. Scoping provides opportunities for government agencies, interest groups, and the general public to identify alternative approaches to meet the purpose and need for the Proposed Action, and provide input into the resource analysis performed in the SEA. The public was invited to review and comment on the Description of the Proposed Action and Alternatives (DOPAA) during the public review period from November 26, 2014 through January 09, 2015. A news release announcing the availability of the DOPAA was published on November 26, 2014 in the Record Courier, the Reno Gazette-Journal, and the Sierra Scoop. The DOPAA was placed on the USMC website and the Humboldt-Toiyabe National Forest website. Hard copies of the DOPAA were delivered to the Bridgeport Branch Library (94 North School Street, Bridgeport, California); the Forest Service Bridgeport Ranger District (75694 Highway #395, Bridgeport, California); and the Coleville Branch Library (111569 Highway #395, Coleville, California). Public and agency comments on the DOPAA have been considered during preparation of the SEA. A more detailed review of the issues and resource concerns raised during public scoping are included in the SEA Appendix A.

On February 26, 2015, a legal notice of the opportunity to comment on the Proposed Action was published in the Reno Gazette-Journal (Newspaper of Record) announcing a 30-day comment period. The comment period ended on March 28, 2015.

Tribal Coordination/Consultation

On November 26, 2014, a project notification/scoping letter was mailed to the following tribes:

- Antelope Valley Band of Paiute, Coleville, California
- Benton Paiute Reservation-Utu Utu Gwaitu Paiute Tribe, Benton, California
- Bishop Reservation-Paiute Shoshone, Bishop, California
- Bridgeport Paiute Indian Colony of California, Bridgeport, California
- Calaveras Band of Mi-Wuk Indians, West Point, California
- Mono Lake Kutzadika Indian Community, Lee Vining, California
- Tuolumne Band of Me-Wuk Indians, Tuolumne, California
- Walker River Paiute Tribe, Schurz, Nevada
- Washoe Tribe of Nevada and California, Gardnerville, Nevada
- Yerington Paiute Tribe, Yerington, Nevada

In February and March of 2015, Forest Service personnel spoke with representatives of the Bridgeport Indian Colony, Walker River Paiute, and Yerington Paiute tribes (Forest Service 2015b). Compact discs containing the Preliminary Draft EA, Draft Cultural Resources Survey Report, and photos and

descriptions of the communications towers and equipment were delivered to the following tribes in March of 2015:

- Bridgeport Paiute Indian Colony
- Walker River Paiute Tribe
- Yerington Paiute Tribe
- Bishop Reservation-Paiute Shoshone
- Benton Paiute Reservation-Utu Utu Gwaitu Paiute Tribe
- Washoe Tribe of Nevada and California
- Tuolumne Band of Me-Wuk Indians

Correspondence was received from the Washoe Tribal Historic Preservation Office on March 19, 2015 (SEA Appendix A). Since there are no archaeological resources in the project area, and therefore no impact to cultural resources, the letter did not state any objections to the project. However, the letter did advise that the communications towers should be designed to conform to the surrounding environmental features so as not to be intrusive on the visual quality of the area.

The tribal consultation process required by NEPA, Archaeological Resources Protection Act, and other relevant regulations and Executive Orders (EOs) has been completed. However, the Forest Service does not officially “close” or “complete” tribal consultation but merely moves along to new phases, even after NEPA is completed. For example, archaeological discovery situations or tribal members becoming aware of a project after-the-fact, even with a good-faith process of up-front notification, may occur and renew the need for continued dialog.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

Consistency with Forest Plan (National Forest Management Act)

This decision is consistent with the standards, guidelines, and management direction included in the Toiyabe National Forest LRMP (as amended). The amendment designating the 9494 site as a communications site in the Toiyabe National Forest Plan is consistent with the Forest Service Handbook (FSH) 2709.11 Chapter 90 (WO Amendment 2709. 11-2009-9, effective September 30, 2009).

Endangered Species Act (as amended)

The Proposed Action or Alternative 1 comprises small-scale, short-term construction at five widely separated locations. Specialist Reports have been prepared and concluded that the Proposed Action or Alternative 1 would not be likely to adversely affect any threatened or endangered species or any Forest Service species of concern (Overlin 2014; Wildlife Resource Consultants 2014).

National Historic Preservation Act (1966) and American Antiquities Act (1906)

A Revised Final Cultural Resources Survey Report (Forest Service report number R2015041702486) was submitted to the Forest Service in April of 2016, and covers the Coleville, Demarcation, and 9494 locations, and the access roads for the 9494 location. A 2013 survey (Giambastiani et al. 2013, Forest Service Number R2009041701936) covers the Mean Peak and Sweetwater proposed project locations, and the access roads for the Coleville, Demarcation, Mean Peak, and Sweetwater project locations. These surveys recorded no cultural resources on the proposed project areas or their associated access roads.

Tribal Consultation

As noted earlier, the tribal consultation process required by NEPA, Archaeological Resources Protection Act, and other relevant regulations and EOs has been completed. However, the Forest Service does not officially “close” or “complete” tribal consultation but merely moves along to new phases, even after NEPA is completed. For example, archaeological discovery situations or tribal members becoming aware of a project after-the-fact, even with a good-faith process of up-front notification, may occur and renew the need for continued dialog.

Clean Water Act

Based on the information in Chapter 4, section 4.3 of the SEA and the project record concerning Water Resources, this decision is consistent with the Clean Water Act (as amended). Construction of the three proposed communications sites on Forest System lands would have negligible effects on water resources. The sites are located on ridge tops, well away from any surface water resources.

Migratory Bird Treaty Act and Executive Order

Based on the discussions in Chapter 4, section 4.5.2.2 of the SEA and the project record concerning migratory birds, this decision is in compliance with the act, the subsequent EO 13186, and the memorandum of understanding (MOU) between the U.S. Department of the Interior, Fish & Wildlife Service and the U.S. Department of Agriculture, Forest Service, which provide for the protection of migratory birds.

Executive Order 11999 of May 1977 (Wetlands)

This EO requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, Forest Service direction requires that an analysis be completed to determine whether adverse impacts would result. The SEA and the project record confirm that this decision complies with EO 11990. There are no wetlands or riparian areas in the vicinity of the proposed communication sites.

Executive Order 11988 of May 1977 (Floodplains)

This EO requires the Forest Service to provide leadership and to take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risks of flood loss; (2) minimize impacts of floods on human safety, health, and welfare; and (3) restore and preserve the natural and beneficial values served by flood plains. The SEA and the project record confirm that this decision complies with EO 11998 by maintaining floodplain integrity. There are no floodplains in the vicinity of the proposed communication sites.

Objection Opportunities

A draft of this decision was subject to objection pursuant to 36 CFR 218 and 36 CFR 219. In accordance with 36 CFR 218.7(b), the EA and a draft Decision Notice/Finding of No Significant Impact (DN/FONSI) for the MWTC Communication Infrastructure Upgrades Project was made available to those who had requested the documents or were eligible to file an objection in accordance with 36 CFR 218.5(a). Only those who submitted project-specific written comments during scoping or other designated comment periods would be eligible to file an objection. Issues raised in objections must be based on previously submitted comments unless based on new information arising after the designated comment periods.

A legal notice, announcing the 45-day objection filing period was published in the Reno Gazette Journal on May 13, 2016. No objections were filed on the MWTC Communication Infrastructure Upgrades Project draft decision and Environmental Assessment.

PLAN AMENDMENT

The amendment was initiated during the transition period identified in 36 CFR 219.17 and has been completed under the prior planning regulations. As such, I am making the determination that the amendment is not significant based on the criteria for significant amendments in FSH 1909.12, Section 1926.52:

1. Changes that would significantly alter the long-term relationship between levels of multiple-use goods and services originally projected (see Section 219.10(e) of the planning regulations in effect before November 9, 2000 [see 36 CFR parts 200 to 299, revised as of July 1, 2000]).

a. The amendment provides designates a 0.14 acre communication site located at an elevation of 9,422 feet at 38° 19' 36" N and 119° 34' 39" W at the Northeast edge of a northeast to southwest trending ridgeline in the NW 14/ of the SE ¼ of the NE ¼ of Section 32 T 6 N, R22 E. The site will be designated as a FS/MCMWTC (government only) facility. With only one site being designated, it does not alter the long-term relationship between levels of multiple use goods and services originally projected.

2. Changes that may have an important effect on the entire land management plan or affect land and resources throughout a large portion of the planning area during the planning period.

a. The amendment provides for a communication site on 0.14 acre of land, which I do not consider to be a large portion of the approximately 3.6-million acre area managed under the Toiyabe National Forest LRMP.

IMPLEMENTATION DATE

I intend to authorize this project to be implemented during the summer and fall of 2016. Construction may also be required in the summer of 2017.

Electronic copies (on Compact Disc) of the SEA and DN/FONSI were mailed to interested parties and those who commented during the comment period on the Notice of Proposed Action. The documents have been posted on the Humboldt-Toiyabe National Forest website at:

<http://www.fs.usda.gov/project/?project=45828>

Copies of the SEA, DN, and FONSI are available upon request. The project record is on file at the Humboldt-Toiyabe National Forest, Forest Supervisor Office. For more information, contact James Winfrey, Forest Planner, Humboldt-Toiyabe National Forest, 1200 Franklin Way, Sparks, Nevada 89431. Phone: (775) 355-5308.

Under title 36 CFR 219.17(a)(2), the approved plan amendment is effective immediately. The plan amendment will be inserted into the Forest Plan and distributed to all units for inclusion in their copies of the Forest Plan.

FINDING OF NO SIGNIFICANT IMPACT

This FONSI incorporates by reference the *Marine Corps Mountain Warfare Training Center Communications Infrastructure Upgrades Supplemental Environmental Assessment* and the project record (including specialist reports, supporting data and information, biological assessment/biological evaluation, letters of concurrence, and survey reports) on file at the Bridgeport Ranger District Office.

I have reviewed the Council on Environmental Quality regulations regarding determination of significance of environmental impacts (40 CFR 1508.27) and I have determined that this decision is not a major federal action that would significantly affect the quality of the human environment. The determination is based on the thorough environmental assessment process completed for this project and the following factors.

Context: The action is a site-specific action that by itself does not have international, national, region wide or statewide importance. Effects are limited to the project area, which is NFS lands within Bridgeport Ranger District, Humboldt-Toiyabe National Forest, Mono County, California.

Intensity: The following discussion is organized around the ten significance criteria described in the NEPA regulations at 40 CFR 1508.27:

1. Both beneficial and adverse impacts were considered in the analysis (SEA and specialist reports in project record).
2. The communications infrastructure upgrades would not have a significant impact on public health and safety and would also represent a positive impact to public health and safety through the improved communications system that would serve MCMWTC, the Forest Service, and local emergency responders (i.e., CalFire and local hospitals). These actions are also not expected to present significant hazards to workers or the public.
3. The project will not adversely affect parks, prime farm lands, wetlands, wild and scenic rivers, or other resources considered to have unique characteristics (SEA Sections 4.3 and 4.9; Specialist Report for Wildlife Assessment; and Specialist Report for Sensitive Plant Species & Noxious Weed Risk Assessment).
4. The effects on the quality of the human environment are not likely to be highly controversial. The environmental analysis process has documented the expected environmental effects of the Proposed Action, Alternative 1, and the No Action Alternative. These effects have been disclosed in Chapter 4 of the SEA and the Proposed Action has been designed to address the various issues raised by those who commented. The analysis represents the judgment and expertise of resource management professionals who have applied their knowledge to similar projects and resources in the past. The management practices proposed are commonly used resource management practices described in agency directives, prescribed in the Toiyabe National Forest LRMP and the Sierra Nevada Forest Plan Amendments, and used by other land management agencies. The intensity of communications infrastructure upgrades proposed is consistent with the best available science and current direction. This action is not highly controversial within the context of NEPA.
5. The effects analysis indicates the effects are not uncertain, and do not involve unique or unknown risk (see SEA and specialists reports in the project record). The Forest Service has considerable experience with the types of activities to be implemented. The effects described in the SEA are

Decision Notice and Finding of No Significant Impact

based on the judgment of experienced resource management professionals using the best available information.

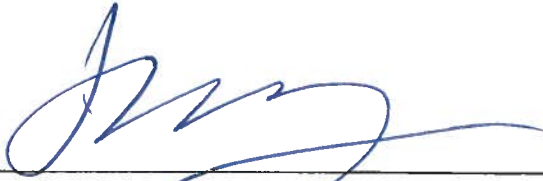
6. The decision to upgrade communications facilities does not establish a precedent for future actions with significant effects. Future actions will be evaluated through the NEPA process and will stand on their own as to environmental effects and project feasibility.
7. The cumulative impacts of the action on topography, geology, and soils; water resources; public health and safety; biological resources; cultural resources; air quality; visual resources; and land use and recreation were considered and disclosed in the SEA in Chapter 5 and in the specialist reports in the project record. The direct and indirect effects of the Proposed Action are expected to be minor in the short-term and beneficial or neutral over the long-term. None of the effects is considered significant for reasons described herein. No past or future actions have been identified that will combine with the effects of the Proposed Action to cause cumulatively significant effects.
8. The action will have no adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources. Cultural resource surveys of the proposed communication site locations did not identify cultural resources of historic or prehistoric association, and no further review or work was recommended for the proposed project areas. A Revised Final Cultural Resources Survey Report (Forest Service report number R2015041702486) was submitted to the California State Historic Preservation Office (SHPO) in April of 2016. The activities associated with these improvements have been cleared by SHPO (letter dated TBP). The Forest has entered into MOUs with the California SHPO. These MOUs are tiered to the National Programmatic Agreement between the Forest Service and the Advisory Council on Historic Preservation. Implementation of these MOUs satisfies the Forest's compliance with Section 106 of the National Historic Preservation Act/HPA (USDA FS 1995a).
9. Impacts to special-status wildlife species would include potential exposure to short-term aural and visual disturbance from construction activities. Measures would be implemented to avoid greater sage-grouse, bald eagle, and northern goshawk territories and to lessen impacts to other special status wildlife species. Occupied habitat for Bodie Hills draba (Forest Service sensitive plant species) at the Mean Peak site would be flagged and avoided. The probability of individual wildlife, including migratory birds, experiencing construction-related disturbance would be low. Wildlife in the vicinity of construction activities would potentially be exposed to short-term aural and visual disturbance from construction activities, but would likely temporarily move to adjacent habitats and return to the area following construction. Potential Sierra Nevada red fox denning sites would not be impacted and the species is not likely to occur at the project sites during construction. Ground disturbance would occur in areas where vegetation is sparse and little to no suitable potential nesting and foraging habitat occurs (Specialist Report for Wildlife Assessment and Specialist Report for Sensitive Plant Species & Noxious Weed Risk Assessment). Therefore, the Proposed Action would have no adverse effect on wildlife, including migratory birds.
10. The Proposed Action is in full compliance with all federal, state and local law requirements imposed for environmental protection. Best Management Practices to protect water quality are included in the Proposed Action (SEA sections 4.3.2).

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Based upon the above, I find there are no significant impacts, and therefore an environmental impact statement will not be prepared.

CONTACTS

Additional information concerning this decision or the Forest Service appeal process, may be obtained by contacting David Drake, Project Manager, (760) 932-5820, ddrake@fs.fed.us, or James Winfrey, Planning Staff Officer, (775) 355-5308, jwinfrey@fs.fed.us.



William A. Dunkelberger

Forest Supervisor

Humboldt-Toiyabe National Forest



Date

ATTACHMENT 1

Design Features and Best Management Practices

Design features and best management practices (BMPs) would be implemented to reduce or avoid potential impacts to resources that could result from construction of the proposed project. In general, the project, including all construction-related activities, is required to comply with federal, state, and local laws, guidelines, or standards specific to each resource (i.e., water quality, soils, cultural or biological resources). Any necessary project permits as required by these laws would be obtained. Lahontan Water Quality Board National Pollutant Discharge Elimination System construction storm water permits would be obtained. All project activities would comply with the applicable Forest Service-wide standards and guidelines and BMPs as described in the Toiyabe LRMP (Forest Service 1986, 2001a, 2004). The applicable resource sections of the Toiyabe LRMP are discussed in Chapter 4 of this document. The Forest Service would review and approve each site-specific engineering site plan before issuance of special use authorizations. The special use authorizations must be issued before construction can begin. Resource-specific design features and BMPs are described in the analysis sections of Chapter 4, as appropriate, and are summarized below for convenience.

1. No construction will occur between March 1, and May 15 to avoid disturbance to breeding bi-state sage grouse.
2. Known bi-state sage-grouse lek locations would be noted on maps supplied to the helicopter contractor responsible for the transport of equipment and personnel to the Mean Peak, Sweetwater, and 9494 sites during the short period of proposed construction activities. Helicopters would not overfly any bi-state sage-grouse lek locations.
3. The locations of all goshawk protected activity centers (PACs) would be noted on maps supplied to the helicopter contractor responsible for the transport of equipment and personnel to the Mean Peak, 9494, and Sweetwater sites during the short period of proposed construction activities. Helicopters would avoid all known goshawk PACs and would not overfly any goshawk PAC.
4. Occupied habitat for Bodie Hills draba at the Mean Peak site would be flagged and avoided. No ground disturbing activities, staging areas, vehicular traffic or parking would occur in these areas. Surveys to flag the boundary of these locations would occur when the plant is visible for surveys (June and July).
5. Construction equipment would be power washed before traveling off-road, to prevent the introduction of exotic species and invasive weeds.
6. The seed palette to be used for revegetating disturbed areas would be approved by the USMC and Forest Service, where applicable.
7. BMPs for erosion control during construction of the proposed road improvements would be implemented (e.g., sediment traps, erosion control blankets, etc.).
8. Antennas will be equipped with bird protection devices as specified in FSH 2709.11 Chapter 90 (Forest Service 2009c) and would not have guy wires (which would constitute an additional hazard to birds) for support.
9. All structures greater than 8-ft tall or taller than the surrounding vegetation that could serve as predator perches will be equipped with anti-perching devices, such as bird spikes.

10. All fencing constructed within bi-state habitat will be properly marked to reduce the potential for collisions.
11. All trash and refuse at construction sites will be properly contained and promptly removed to avoid attracting predators.
12. Ground disturbing activities would occur outside of the migratory bird nesting season (May 15 to August 31) to the greatest extent possible. If construction activities occur during the migratory bird nesting season, pre-construction surveys for nesting birds would be conducted by a qualified biologist within 2 weeks of construction start in areas that could potentially be used for nesting.
13. Proposed communication sites would be constructed in accordance with the USFWS *Guidance on the Siting, Construction, Operation, and Decommissioning of Communications Towers* (USFWS 2000).
14. Flag and avoid noxious weeds in all mechanical project activities. Manual methods such as hand thinning or pruning may take place within noxious weed sites if timed before seed set.
15. Where it is not possible to keep heavy equipment out of sites infested with noxious weeds, clean heavy equipment so that it is free of soil, seeds, vegetative matter or other debris prior to being moved from infested sites to uninfested sites and prior to being transported out of the project area.
16. When needed for soil stabilization, use certified weed-free mulches where available, mulches with low risk of weed introduction where certified weed-free is not available, and certified weed-free seed mixes. Seed mixes must conform to the Region 4 Policy on the Use of Native Plant Material in Restoration or Revegetation Projects.
17. Monitor through time for the spread of noxious weeds in the project area to determine if existing weeds are being spread, or if weeds are being accidentally introduced by maintenance or other activities. Hand pull or use USFS-approved control agents on any known or newly discovered infestations. Assess the need for a long-term eradication strategy, if needed.

ATTACHMENT 2

Insert the following as Amendment 18 to the Toiyabe National Forest Land and Resource Management Plan.

Forest plan Amendment 18

Designation of 9494 Site

Section 90.3.1 requires that "Communications sites must be designated in a National Environmental Policy Act (NEPA) decision document. The designation may be reflected in a separate NEPA decision document or in a land and resource management plan (LRMP) or amendment or revision to a LRMP".

The 9494 site is not currently designated as a Communications Site in the Toiyabe National Forest LRMP, and therefore authorization of this site will require amending the Toiyabe National Forest LRMP to allow for the communications tower and equipment on the site. The site will be designated as a FS/MCMWTC (government only) facility.

The Forest Service will amend MCMWTC existing special use authorization (BRI250). MCMWTC's use will be authorized as a private mobile radio service (PMRS - 806), which is defined as a FCC-licensed private mobile radio systems primarily used by a single entity for the purpose of mobile internal communications and the communications equipment directly related to the operation, maintenance, or monitoring of the use. The communications service cannot be sold to others and is limited to the user (FSH 2709.11.90 Exhibit 01).

Site Description

The 9494 site is a non-broadcast site to be used by government entities only. It is located at an elevation of 9,422 feet at 38° 19' 36" N and 119° 34' 39" W at the Northeast edge of a northeast to southwest trending ridgeline in the NW 14/ of the SE ¼ of the NE ¼ of Section 32 T 6 N, R22 E. The largest community served by the site will be the MCMWTC and the Community of Coleville, California.

My decision amends the communications site direction in the 1986 Toiyabe National Forest LRMP to designate the 9494 site (approximately 0.14 acre) as a new communication site. Forest Service Handbook (FSH) 2709.11 Chapter 90 (WO Amendment 2709. 11-2009-9, effective September 30, 2009) identifies Forest Service policy regarding Communications Site Management.

